

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Lindsay Knutson, D.H.
License No.H4791

**STIPULATION AND
ORDER FOR SUSPENSION**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate dental hygienists, to refer complaints against dental hygienists to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint against Lindsay Knutson, D.H. ("Licensee"). The Board's Complaint Committee ("Committee") reviewed the complaint and scheduled a conference with Licensee for December 5, 2003. The morning of the scheduled conference, Licensee notified the Committee by telephone that she would not attend the conference and admitted the allegations contained in the Committee's November 13, 2003 Notice of Conference.

On December 17, 2003, the Committee mailed Licensee a Stipulation and Order for Conditional License as a proposed resolution of this matter. In a letter dated January 12, 2004, Licensee notified the Committee that her work schedule would not allow her to meet the conditions of its proposal and that she would not work in a dental office until she had maintained sobriety for a minimum of twelve months. She also wrote that she agrees to a suspension of her license. The parties have agreed that the matter may now be resolved by this stipulation and order.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Committee as follows:

A. Jurisdiction. Licensee holds a license to practice dentistry in the State of Minnesota from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Licensee states that Licensee does not hold a license to practice dentistry in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This stipulation is based upon the following facts:

a. On September 5, 2002, Licensee reported herself to the Health Professionals Services Program ("HPSP"). Licensee told HPSP staff that she had had three treatments for alcohol dependence: a) October 1997 for outpatient treatment at Altru Clinic/Hospital in Grand Forks, North Dakota (sober for 6 months); b) January 1999 for inpatient treatment at Glenmore Recovery Center in Crookston, Minnesota (sober for 6 weeks); and c) January 2001 for residential treatment at Liberalis in Cloquet, Minnesota (sober for approximately a year).

b. On September 16, 2002, Licensee signed a participation agreement with HPSP for monitoring her substance abuse disorder.

c. On March 24, 2003, HPSP notified the Committee that Licensee tested positive for alcohol on March 5 and March 15, 2003 toxicology screens. As requested by HPSP, Licensee agreed to refrain from practicing dental hygiene until authorized to return to practice and to obtain a chemical dependency assessment.

d. On March 31, 2003, Licensee entered inpatient chemical dependency treatment at Riverplace Center in Minnesota, completing treatment on or about April 29, 2003, with an authorization to return to practice dental hygiene.

e. On May 12, 2003, Licensee was discharged from HPSP for a May 3, 2003 toxicology screen which was positive for marijuana. In addition, Licensee failed to comply with HPSP's request to refrain from practicing dental hygiene.

f. Licensee's last day of practicing dental hygiene while being monitored was May 8, 2003.

g. On May 22, 2003, Licensee told an investigator from the Attorney General's Office she is not currently practicing dental hygiene, but would like to return to work as soon as possible.

h. On June 20, 2003, Licensee met with the Committee to discuss these matters. After considering information provided to them at the conference, the Committee re-referred Licensee to HPSP.

i. On July 17, 2003, Licensee signed another participation agreement with HPSP for monitoring her substance abuse disorder.

j. On September 15, 2003, Licensee notified HPSP that she had relapsed with alcohol on September 9 and 11, 2003.

k. On September 26, 2003, Licensee contacted her chemical dependency counselor and told him that she was attending AA twice a week and was beginning mental health therapy.

l. On October 4, 2003, HPSP received Licensee's mental health intake assessment dated September 24, 2003, from Northwest Medical Center. During the assessment,

Licensee stated that she last used alcohol on Monday, September 22, 2003. Licensee also described herself as a chronic relapser with alcohol.

m. On October 6, 2003, Licensee notified HPSP that due to her work schedule she had not called the topline since October 1, 2003. Licensee was working with a friend in a non-dental business where phone service is not available. HPSP reported to the Committee that Licensee had missed two consecutive toxicology screens, but would keep her in the program if she was willing to comply with her monitoring plan.

n. On October 9, 2003, Licensee was discharged without staff approval from aftercare treatment at Glenmore Recovery Center based on noncompliance with her HPSP monitoring plan. Licensee told her chemical dependency counselor about her failure to call the topline and her intent to voluntarily withdraw from HPSP.

o. On October 13, 2003, Licensee was discharged from HPSP for noncompliance with her monitoring plan by failing to call the toxicology lin

C. Violations. Licensee admits that the facts and conduct specified above constitute violations of Minn. Stat. § 150A.08, subd. 1(16), and (8) and Minn. R. 3100.6200A and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Licensee and the Committee recommend that the Board issue an order as follows:

1. Suspension. Licensee's license to practice dental hygiene in the State of Minnesota is hereby SUSPENDED. During the period of suspension, Licensee shall not engage in any act which constitutes the practice of dentistry as defined in Minn. Stat. § 150A.10, subds. 1. and 1.a. and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dental hygiene.

2. Prohibitions. While the suspension is in effect, Licensee shall not engage in any act which constitutes the practice of dental hygiene as defined in Minnesota Statutes section 150A.05, subd. 1.a. and Minn. Rules part 3100.8700, and shall not imply to former patients or other persons by words or conduct that Licensee is licensed to practice dental hygiene.

3. License Renewal Certificate. Within ten days of the date this order is adopted by the Board, Licensee shall return to the Board Licensee's original license and current license renewal certificate by delivering them personally or by first class mail to Marshall Shragg, Executive Director, Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414-3246.

E. Reinstatement of License. Licensee may petition for reinstatement of her license pursuant to the following procedures:

1. Licensee may submit a petition for reinstatement at any regularly-scheduled Board meeting no sooner than one year after the effective date of this order. Licensee must comply fully with the applicable statutes and rules in effect at the time of Licensee's application, including the payment of all fees relating to relicensure. Licensee's petition must be received by the Board at least 30 days prior to the Board meeting and after the Licensee has met with the Committee concerning the petition prior to the Board meeting.

2. Licensee shall have the burden of proving that she has successfully addressed the causes of the conduct described in this Stipulation and Order, that she is fit to practice dental hygiene in compliance with accepted standards. Licensee shall provide satisfactory proof that she has maintained documented, uninterrupted sobriety for a period of at least one year prior to submitting her application for relicensure. That is proof that Licensee has

completely abstained from ingesting, injecting, or otherwise taking any mood-altering chemicals or drugs, including alcohol, unless prescribed by a physician or dentist who has been previously informed of Licensee's drug abuse history and with whom Licensee has a formal healthcare provider/patient relationship.

3. As mentioned above, Licensee shall meet with a Complaint Committee of the Board at least 30 days prior to the Board meeting to consider Licensee's application for relicensure. The Complaint Committee shall review with Licensee her application and supporting evidence. After meeting with Licensee, the Complaint Committee shall forward a report containing its recommendations to the Board.

Licensee's completion of these requirements shall not create a presumption that Licensee's license should be reinstated.

4. If Licensee petitions for reinstatement of her license, she must meet the requirements provided above and those set forth in the laws and rules governing reinstatement in effect at the time of her petition.

5. If the Board grants Licensee's petition, the Board may impose reasonable conditions on her license.

F. Judicial Relief. If Licensee violates paragraph D. above, a district court of this state may, upon application of the Committee, enter an order enjoining Licensee from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

G. Additional Discipline for Violation of Order. If Licensee violates this stipulation and order, the Board may impose discipline pursuant to the following procedure:

1. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Licensee a notice of the alleged violation and

of the time and place of the hearing. Within five days after the notice is mailed, Licensee shall submit a response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

2. At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The record before the Board shall be limited to such affidavits and this stipulation and order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

3. At the hearing, the Board will determine whether to impose further disciplinary action, including an additional period of suspension or revocation of Licensee's license.

H. Other Procedures for Resolving Alleged Violations. Violation of this stipulation and order shall be considered a violation of Minn. Stat. § 150A.08, subd. 1(13). The Committee shall have the right to attempt to resolve an alleged violation of the stipulation and order through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit the Committee's right to initiate a proceeding against Licensee pursuant to Minn. Stat. ch. 14 based on a violation of this stipulation and order or based on conduct of Licensee before or after the date of this stipulation which is not specifically referred to hereinabove.

I. Licensee was informed in the notice of conference that she may be represented by legal counsel, Licensee has voluntarily and knowingly waived legal representation.

J. Waiver of Licensee's Rights. For the purpose of this stipulation, Licensee waives all procedures and proceedings before the Board to which Licensee may be entitled under the

Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the appropriateness of discipline in a contested proceeding pursuant to Minn. Stat. ch. 14. Licensee agrees that upon the application of the Committee without notice to or an appearance by Licensee, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Licensee waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

K. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14 and section 150A.08, Licensee agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

L. Record. This stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5, and will be reported as disciplinary action to the National Practitioner Data Bank and the American Association of

Dental Examiners Clearinghouse. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

N. Entire Agreement. Licensee has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Licensee is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Licensee. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

<p>LICENSEE</p> <p><u>Lindsay Knutson D.H.</u></p> <p>LINDSAY KNUTSON, D.H.</p> <p>Dated: <u>3-16-04</u></p>	<p>COMPLAINT COMMITTEE</p> <p>By: <u>Marshall Shragg</u></p> <p>MARSHALL SHRAGG Executive Director</p> <p>Dated: <u>3/22/04</u></p>
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ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records and proceedings herein,

The terms of the stipulation are approved and adopted, the recommended disciplinary action set forth in the stipulation is hereby issued as an order of this Board, and Licensee's license is SUSPENDED effective this 26th day of March, 2004.

MINNESOTA BOARD
OF DENTISTRY

By: Linda R. Boyum
LINDA BOYUM, R.D.A.
President

AG: #989859-v1